

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

LEXINGTON INSURANCE COMPANY,  
Plaintiff,  
-against-  
DAVID FORREST, *et al.*,  
Defendants.

Civil Action No. 02-CV-4435  
(Hon. Anita B. Brody)

**STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the captioned action is hereby dismissed without prejudice and without costs as against and only as against defendants Martin Fink and New Beginnings Enterprises LLC. The captioned action remains pending and is not dismissed as to any other defendant.


All claims and counterclaims as between plaintiff and the defendants so dismissed may be prosecuted in Civil Action No. 04-CV-5370. This dismissal shall be ignored in any calculations under the "two-dismissal rule" set forth in Fed. R. Civ. P. 41(a)(1) or any similar rule of any other jurisdiction.

As ordered by the Court, the captioned action and Civil Action No. 04-CV-5370 are consolidated for purposes of pretrial discovery.

Dated: February 9, 2005

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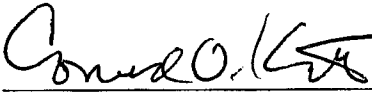
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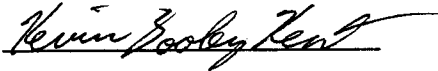
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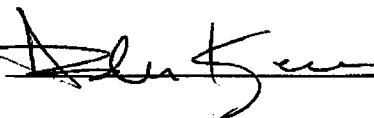
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